

## **TITLE 16. MISCELLANEOUS OFFENSES**

### **Chapter 16.01. General**

The following sections of the "Utah Criminal and Traffic Code" as compiled by the Utah Department of Public Safety and published as a code in book form, 1991 Edition, and as it may be subsequently amended and/or revised, (three copies of the most current such edition have been and will be filed for use and examination by the public in the Office of the Brigham City Recorder) are hereby approved and adopted as part of the code of Brigham City:

#### **Sections 32A-12-104**

31A-12-201 through 221  
76-1-101 through and including 76-1-601  
76-2-101 through and including 76-2-406  
76-3-101, 104, 105, 201, 202, 204, 205, and 208  
76-3-301 through 76-3-303  
76-3-401  
76-4-101 through 302  
76-5-102  
76-5-106  
76-5-108  
76-6-101  
76-6-104  
76-6-106  
76-6-205  
76-6-206  
76-6-401 through 412  
76-6-601 through 607  
76-8-301, 305, 306, 307, and 309  
76-9-101 through 105  
76-9-201 through 202  
76-9-701 through 702  
76-10-101 through 112  
76-10-505, 506, and 508

Any amendments, modifications, supplements or later editions of said code replacing said code shall constitute the code then in effect under this chapter; provided, however, that before any later editions shall take effect, the City Council by resolution, shall certify that the later editions are available and three copies of all amendments, modifications, supplements or later editions shall be filed for examination and use by the public in the office of the City Recorder of Brigham City.

#### **16.01.010. Criminal Responsibility for Direct Commission of Offense Or for Conduct of Another.**

Every Person, acting with the mental state required for the commission of an offense who directly commits the offense, who solicits, requests, commands, encourages, or intentionally aids another person to engage in conduct which constitutes an offense shall be criminally liable as a part for such conduct.

### **16.02. Advertisements**

#### **16.02.010. Advertisements - Posting With Permission.**

It shall be unlawful for any person within the corporate limits of the City to print, paint, write, mark or in any way post up any notice, card, advertisement or other device upon any wall, fence, tree, post, building, bridge, sidewalk, street or other property, or cause the same to be done, without permission of the owner or agent thereof or the Mayor, if upon public property or the streets and sidewalks of the City. (R.O. 1963 16-2).

**16.02.020. Advertisements - Tearing Down or Defacing.**

It shall be unlawful for any person, without lawful authority, to tear down or deface any ordinance, bill, notice, advertisement or other paper of a business or legitimate character, lawfully posted within the limits of the City, at any time before the object of such notice has been accomplished.

**16.02.030. Awnings, Advertisements, Signs - Located in or Over the Public Right-of-Way.**

A. It shall be unlawful for any person to erect or construct any sign, signpost, signboard, wood or metal awning, permanent advertisement, arch or any other structure above, over, in or around any part of any street or sidewalk within the public right-of-way in the City without first obtaining permission to do so from the Council or if located in a redevelopment project area, by the Redevelopment Agency. Application for such permission shall be in writing and shall contain the name of the person for whose benefit the same is made, the period of time for which such permit is so desired, the place where such structure is to be erected or constructed, the dimensions thereof, the material of which the same is to be composed and the manner of construction. The application shall be accompanied by a blueprint or drawing or tracing of such proposed sign or other structure.

B. No sign shall be erected on Main Street between First North Street and Second South Street and on Forest Street or First South Street between First West Street and First East Street supported by a pole or standard erected outside of the property line; provided, that nothing in this paragraph shall make necessary the removal of any sign or structure now in existence so long as it otherwise meets the requirements of this section.

C. Sandwich boards and other signs of similar construction are prohibited.

D. Additional signs shall not be added to any sign, pole or standard without permission from the Council, or if located in a redevelopment project area, by the Redevelopment Agency, as provided above, having first been obtained.

E. All signs must be erected under the supervision of the superintendent of streets and sidewalks. No cement abutment to the support of any sign shall be erected above the ground level on any street or sidewalk. All signs must be properly painted and maintained in a safe condition and a City official shall be appointed to make the provisions of this paragraph. (R.O. 1963 16-4)

F. Awnings or canopies shall conform to the provisions of the Uniform Building Code and if incorporating signage, shall be bound by the maximum cumulative sign area as noted within the sign ordinance.<sup>1</sup>

**16.02.040. Classification of Offense Class C Misdemeanor.**

Any violation of the provisions of section 16.02.010 through Section 16.02.030 above shall be classified as a class C misdemeanor.

**16.03. Offenses Against Public Order and Decency.**

**16.03.010. Resisting or Obstructing Officer.**

Every person within the corporate limits of the City who wilfully resists, delays or obstructs, any public officer in the discharge of or attempt to discharge his office is guilty of a misdemeanor.

**16.03.020. Impersonation of Officer.**

A person is guilty of a class B misdemeanor if he impersonates a public servant or a peace officer with intent to deceive another or with intent to induce another to submit to his pretended official authority or to rely upon his pretended official act. (U.C.A. 76-8-512).

**16.03.030. Escape.**

A. A person is guilty of escape if he escapes from official custody.

B. The offense is a class B misdemeanor.

C. "Official custody," for the purpose of this section, means arrest, custody in a penal institution, jail, an institution for confinement of juvenile offenders, or other confinement pursuant to an order of the court. (U.C.A. 76-8-309).

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<sup>1</sup> Ordinance No. 97-16, 7/31/97

**16.03.040. Interference with a Public Servant.**

A person is guilty of a Class B Misdemeanor if he uses force, violence, intimidation, or engages in any other unlawful act with the purpose to interfere with a public servant performing or purporting to perform an official function. (U.C.A. 76-8-301).

**16.03.050. False Reports Or False Name Or Address to Officer.**

A. A person is guilty of a Class B Misdemeanor if the person:

1. Knowingly gives or causes to be given false information to any law enforcement officer with a purpose of inducing the officer to believe that another has committed an offense; or
2. Knowingly gives or causes to be given information to any law enforcement officer concerning the commission of an offense, knowing that the offense did not occur or knowing that one has no information relating to the offense or danger.

B. A person commits a Class C Misdemeanor if, with intent of misleading a law enforcement officer as to one's identity, one knowingly gives a false name or address to a law enforcement officer in the lawful discharge of the officer's official duties.

**16.03.060. Discharge of Firearms, Air Guns, Bows and Arrows, Etc.**

~~A. It shall be unlawful for any person to discharge a pistol, revolver, sawed-off shotgun, sawed-off rifle and/or any device that could be used as a weapon from which is expelled a projectile by any force, within the corporate limits of Brigham City, except in self defense; provided, that this prohibition shall not apply to any peace officer in the discharge of his duty nor to target shooting after the erection, at a proper place, of a proper breast work or battery for the protection of the citizens and approved by the Chief of Police.~~

~~B. It shall be unlawful for any person to discharge any air gun, sparrow gun, flipper, sling shot, bows and arrows, or other similar contrivance within the limits of the City; provided, that this prohibition shall not apply to persons engaged in target shooting or other recreational shooting at authorized times and places which authorization must first be received in writing and signed by the Brigham City Chief of Police or other authorized persons as may be designated by the Brigham City Council.~~

~~C. Any violation of this section is a Class B misdemeanor.~~

A. *It shall be unlawful to discharge any firearm within the corporate limits of Brigham City except:*

1. *Officers of the law in the performance of their duty;*
2. *Any citizen when lawfully defending their person or a third party;*
3. *At a proper place authorized by the Chief of Police;*
4. *Discharge of a shotgun west of 1200 West (Watery Lane) when discharge can be accomplished without placing property or person at peril, and the discharge is not within 600 feet of a house, dwelling, or any other building, or any structure in which a domestic animal is kept or fed, including a barn, poultry yard, corral, feeding pen, or stockyard, unless written permission is obtained from the owner or person in charge of the property.*

B. *It shall be unlawful for any person to discharge any air gun, sparrow gun, flipper, sling shot, bows and arrows, or other similar contrivance within the corporate limits of Brigham City except to persons engaged in target shooting or other recreational shooting at authorized times and places which authorization must first be received in writing and signed by the Brigham City Chief of Police or other authorized persons as may be designated by the Brigham City Council.*

C. *It shall be unlawful for any person to discharge any kind of dangerous weapon or firearm:*

1. *from an automobile or other vehicle;*
2. *from, upon, or across any highway.*

D. *Any violation of this section is a Class B misdemeanor.*<sup>2</sup>

**16.03.070. Curfew for Minors.**

A. It is unlawful for any minor under fourteen (14) years of age to remain or loiter on any of the sidewalks, streets, alleys or public places in the City between 10:00 p.m. and 5:00 a.m. immediately following.

B. It is unlawful for any minor under eighteen years of age to remain or loiter on any of the sidewalks, streets, alleys or public places in the City between twelve midnight and 5:00 a.m. immediately following.

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<sup>2</sup> Ordinance No. 07-04, dated 3/15/07.

C. It is unlawful for any parent, guardian or other person having legal care and custody of any minor dealt with respectively in subsections A and B of this section to allow or permit any such minor to remain or loiter on any of the sidewalks, streets, alleys or public places in the City within the times provided in subsections A and B respectively of this section except as provided in subsection D of this section.

D. The provisions of subsections A, B and C of this section shall not apply where the minors dealt with respectively in sections A and B are:

1. Married;
2. Accompanied by a parent, guardian, or other adult person having the care and custody of such minor;
3. Returning home from, going to or being in attendance at any religious or school function, civic, school or church<sup>3</sup> organized dance, theater, sports event or other such associational activity; provided, however, that going to or from such activity shall be by a direct route and within a reasonable time of the commencement or termination of such event;
4. Engaged in a legitimate emergency errand;
5. Engaged in legitimate employment and can produce evidence of such employment; or
6. In a motor vehicle engaged in normal travel, while traveling to, from or through the City on an interstate trip.

#### **16.03.080. Truancy for Compulsory School Age Minors.**

A. Definitions. In this section:

1. "Assigned school location" means the location where a student would be assigned, registered, or released to attend during compulsory school time when the class or activity is in session, and the student is under the control or supervision of school authorizes or other recognized supervision. Further defined as the authorized presence, for a reasonable time or direct authorized passage to and from an area where the student would be involve din dealing with school or personal business.

2. "Authorization" means a permission slip given by a school authority to excuse a student from being in the usual assigned school location in accordance with school policy, or a note from the parent or guardian giving permission for the student to be absent from class. The permission slip must be in the immediate possession of the student whenever not at the expected school location.

3. "Compulsory school age minor" means a person between six and eighteen years of age that is not exempted and must be attending a public or regularly established private school during the school year of the district in which the minor resides pursuant to Utah Compulsory Education Requirements, Utah Code Ann. 43A-11-101 to 106.

4. "Emergency" means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

5. "Establishment" means any privately-owned place of business operated for a profit to which the public is invited, including, but not limited to, any place of amusement or entertainment.

6. "Guardian" means:

- a) Person who, under court order, is the guardian of the person of a minor; or
- b) A public or private agency with whom a minor has been placed by a court.

7. "Minor" means any person under 18 years of age.

8. "Open Campus" means when a compulsory school age minor is allowed by school officials to leave school for lunch purposes.

9. "Operator" means any individual, firm, association, partnership, or corporation operation, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

10. "Parent" means a person who is:

- a) A natural parent, adoptive parent, or step-parent of another person; or
- b) At least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.

11. "Public Place" means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, the common areas of schools, hospitals, office and commercial buildings, public transit buses and property, and apartment houses.

12. "Remain" means to:

- a) Linger or stay; or

b) Fail to leave premises when requested to do so by a police officer or the owner, operator or other person in control of the premises.

13. "Serious bodily injury" means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

14. "Truancy hours" means those hours in which a compulsory school age youth should be attending school in the district or jurisdiction in which the student attends school.

**B. Offenses:**

1. A compulsory school age minor commits an offense if he or she remains in any public place, is not in his assigned location at school, or is on the premises of any establishment within the corporate limits of Brigham City during truancy hours.

2. A parent or guardian of a minor commits an offense if he or she knowingly permits, aides, encourages or allows a compulsory school age minor, or minor, to remain in any public place or on the premises of any establishment within the City during truancy hours, or if a parent or guardian of a minor fails within 14 days to comply with the instructions to contact school authorities upon receipt of notification by certified letter from the City, that his or her child has received a truancy citation.

3. Any person commits an offense if he or she engages in any conduct for the purpose of, or resulting in, inducing any compulsory school age minor to leave or be absent from said compulsory school age minor's assigned school location during truancy hours.

**C. Defenses:**

1. It is a defense to prosecution under Subsection (B) that the compulsory school age minor was:

- a) accompanied by the minor's parent or guardian;
- b) involved in an emergency;
- c) following school policy regarding open campus for lunch, off campus school-approved classes and activities, or any other legitimate school sanctioned off-campus function, and has on his/her person legal authorization of permission by the school or his/her parent or guardian; or
- d) married or had been married or had disabilities of minority removed in accordance with state law.

2. It is a defense to prosecution under Subsection B.3 that the parent or guardian of a compulsory school age minor has met in cooperation with the proper school authorities within 14 days of notification in response to each certified letter from the City notifying them that their child has received a truancy citation.

3. It is a defense to prosecution under Subsection B.4 that the owner, operator, or employee of an establishment, or owner of a private residence, promptly notified the police department that a compulsory school age minor was present on their premises during truancy hours and refused to leave.

**D. Enforcement:**

1. Before taking any enforcement action under this section, an identified police officer shall ask the apparent offender's age and reasons for being in the public place. The City will notify the parent or guardian of a compulsory school age minor by certified letter when a truancy citation is issued to said minor. The letter will request that the parent and truant student meet in cooperation with school officials to address their shared truancy concerns. Copies of the letter will be given to the school principal and the school resource officer.

**E. Penalties:**

1. Violation of this chapter is an infraction. A person who violates a provision of this chapter is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted. Each offense of a minor, upon conviction, is punishable by a fine of \$35 and/or service hours. A third offense requires mandatory court appearance. Each offense of an adult, parent, or guardian, upon conviction is punishable by a fine not less than \$35 or not to exceed \$500. A third offense by an adult is subject to the provisions of state law.<sup>3</sup>

**16.03.090. Interfering With School Operation.**

Any person who comes into any school building or upon any school ground, or street, sidewalk, or public way adjacent to any school building or ground and whose presence or acts interfere with the peaceful

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<sup>3</sup> Ordinance No. 99-32, dated 11/29/99

conduct of the activities of any school or disrupt the school or its pupils or school activities, and who remains there, or who re-enters or comes upon the place within 72 hours, after being asked to leave by the chief administrative official of that school or his representative or agent is guilty of a misdemeanor.

#### **16.03.100. Abandoned and Unlicensed Motor Vehicles.**

A. It shall be unlawful for a person to abandon a vehicle upon any private property without the express or implied consent of the owner or person in lawful possession or control of the real property. For the purpose of this section, a vehicle shall be presumed to be abandoned if it is left unattended on private property for a period in excess of twenty-four (24) hours. Abandoned vehicle(s) situated on a person's private property and not owned by him may be removed upon the property owner's request provided proper City departmental authorization has been granted the towing company. The costs for removal of the vehicle shall be the responsibility of the motor vehicle owner.

B. It shall be unlawful for any person to cause or permit scrap, metal, junk, wrecked, abandoned, or unlicensed vehicles or vehicle parts to remain on any real property or premises, unless in connection with a lawfully situated and licensed business.

1. An exemption to this provision may be granted if an unlicensed vehicle is being repaired by the person who owns the vehicle at that person's personal residence and a nuisance or health hazard is not created.

2. To qualify for this exemption a person must apply at the City Recorder's Office for the exemption permit.

3. The permit shall not be granted unless the following conditions are met.

a. The applicant is the title owner of the real property or the title owner consents in writing to the repair or restoration of the vehicle(s) on the property.

b. Any unlicensed vehicle being repaired must be stored in a garage or behind a legally constructed visible barrier (such as a fence) which will shield the vehicle from view from the street and adjoining property.

c. The exemption permit shall be issued for two years and a new exemption permit must be obtained after that date if the applicant desires to continue to have unlicensed vehicles on his property.

d. The restoration must be for hobby or recreational purposes and may not be for business purposes.

e. All work performed must be done so as not to violate any noise ordinance and/or other ordinances.

f. Prior to issuance, a City inspection shall be performed to ascertain compliance. The premises may be inspected at any time thereafter for compliance by appropriate City departments and/or personnel.

g. The use of the residential premises for such purposes does not cause a deleterious effect upon adjoining property values.

C. For three (3) vehicles or fewer, no exemption permit is required, but vehicles must be covered and the vehicles are subject to the conditions listed under the exemption provision and the intent of this and other appropriate ordinances.

D. Vehicles are defined to include motor vehicles (as defined by state statutes), motorcycles, antique cars, horseless carriages or any other motor operated vehicles.

E. Violation of any provision of this chapter shall be a Class B Misdemeanor and shall be subject to the penalties provided for such offenses. A court shall also issue such orders as may be appropriate to enjoin, restrain and cease such violations. In addition to all other penalties, a party in violation shall be subject to all costs of enforcement, including attorney fees.

#### **16.03.110. Operation of remote-controlled Aircraft.**

A. It shall be unlawful to fly any remote controlled aircraft within the corporate limits of Brigham City, except at those areas designated by ordinance. The designated area for this activity shall be the City owned property at approximately 1000 North 600 West in Brigham City. This property may only be used by permission. The current lessee is Brigham City R/C Flyers.

B. Definitions. Remote-controlled aircraft means any powered, fixed wing craft which flies and which is controlled by radio signals.

C. Violation of this chapter is an infraction.

#### **16.03.120. Poolrooms - Minors.**

It shall be unlawful for the owner, keeper, manager, licensee of or employee in any public billiard-hall or pool-hall in the City to permit or allow any person under the age of twenty-one (21) years to visit, frequent or remain in such billiard or pool-hall. It shall be unlawful for any person under the age of twenty-one (21) years to visit, frequent or remain in any billiard or pool-hall in the City except where a special license has been obtained as required by Chapter 20A of this Code.

**16.03.130. Poolrooms - Sundays.**

It shall be unlawful for any person to suffer or permit the use of any public billiard or pool table on the first day of the week, commonly called Sunday. (R.O. 1963 16-37).

**16.03.140. Prostitution - Definitions.**

For the purposes of this part:

A. "Sexual activity" means intercourse of any sexual act involving the genitals of one person and the mouth or anus of another person regardless of the sex of either participant.

B. "House of prostitution" means a place where prostitution or promotion of prostitution is regularly carried on by one or more persons under the control, management, or supervision of another.

C. "Inmate" means a person who engages in prostitution in or through the agency of a house of prostitution.

D. "Public place" means any place to which the public or any substantial group thereof has access. (U.C.A. 76-10-1301).

**16.03.150. Prostitution.**

A. A person is guilty of prostitution when:

1. He engages or offers or agrees to engage in any sexual activity with another person for a fee;
- or
2. Is an inmate of a house of prostitution; or
  3. Loiters in or within view of any public place for the purpose of being hired to engage in sexual activity.

B. Prostitution is a class B misdemeanor. (U.C.A. 76-10-0302).

**16.03.160. Patronizing a Prostitute.**

A. A person is guilty of patronizing a prostitute when:

1. He pays or offers or agrees to pay another person a fee for the purpose of engaging in an act of sexual activity; or
2. He enters or remains in a house of prostitution for the purpose of engaging in sexual activity.

B. Patronizing a prostitute is a class C misdemeanor. (U.C.A. 76-10-1303).

**16.03.170. Aiding Prostitution.**

A. A person is guilty of aiding prostitution if he:

1. Solicits a person to patronize a prostitute; or
2. Procures or attempts to procure a prostitute for a patron; or
3. Leases or otherwise permits a place controlled by the actor, alone or in association with another, to be used for prostitution or the promotion of prostitution; or
4. Solicits, receives, or agrees to receive any benefit for doing any of the acts prohibited by this subsection.

B. Aiding prostitution is a class B misdemeanor. (U.C.A. 76-10-1304).

**16.03.180. Abuse of Psychotoxic Chemical Solvents.**

A. A person is guilty of abuse of psychotoxic chemical solvents if:

1. For the purpose of causing a condition of intoxication, inebriation, excitement, stupefaction, or the dulling of his brain or nervous system, he intentionally:
  - a. Smells or inhales the fumes of any psychotoxic chemical solvent; or
  - b. Possesses, purchases, or attempts to possess or purchase any psychotoxic chemical solvent.

2. Knowing or believing that a purchaser or another intends to use a psychotoxic chemical in violation of subsection (1) (a) or (a) (b), sells or offers to sell any psychotoxic chemical solvent.

B. This section shall not apply to the inhalation of any anesthesia for medical or dental purposes.

C. Abuse of psychotoxic chemical solvents is a class B misdemeanor.

D. As used in this section, psychotoxic chemical solvent includes any glue, cement, or other substance containing one or more of the following chemical compounds: acetone and acetate, benzene, butyl-alcohol, ethyl-alcohol, ethylene dichloride, isopropyl alcohol, methyl alcohol, methyl ethyl ketone, pentachlorophenol, petroleum ether, or other chemical substance capable of causing a condition of intoxication, inebriation, excitement, stupefaction, or the dulling of the brain or nervous system as a result of the inhalation of the fumes or vapors of such chemical substance. Nothing in this section shall be construed to include any controlled substance regulated by the provisions of Chamber 37, Title 58, Utah Code Annotated. (U.C.A. 76-10-107).

**16.03.190. Designation of Smoking Areas.**

Appropriate smoking areas may be designated by proprietors or other persons in charge of public places, such as, but not limited to private enclosed offices occupied exclusively by smokers even though such offices may be visited by nonsmokers, but excepting places in which smoking is prohibited by the fire marshal or by other law, ordinance or regulation.

Where smoking areas are designated, existing physical barriers and ventilation system shall be used to prevent the toxic effects of smoke in adjacent nonsmoking areas. In the case of public places consisting of a single room, the provisions of this law shall be considered met if one side of the room is reserved and posed as a nonsmoking area and the ventilation of the room is sufficient to prevent the smoke pollution from becoming either a health hazard or a discomfort to nonsmokers. No public place other than a bar shall be designated as a smoking area in its entirety. (U.C.A. 786-10-108).

**16.03.200. Duties of Proprietor of Public Place.**

The proprietor or other person in charge of a public place shall make reasonable efforts to prevent violation of this part in the public place by:

- A. Conspicuously posting appropriate signs;
- B. Arranging seating and ventilation to provide a smoke-free area (U.C.A. 76-10-109).

**16.03.210. Violations - Classification of Offenses.**

- A. It shall be an infraction for any person to violate 16.05.250.
- B. It shall be a class C misdemeanor for any person to violate 16.05.270 and 16.05.280.
- C. Local boards of health may institute an action in any court with jurisdiction to enjoin repeated violations of 16.05.270 and 16.05.180. (U.C.A. 76-10-110).

**16.03.220. Illegal to Possess Or Consume Alcoholic Beverages in Certain Public Places.**

A. It shall be unlawful for any person to consume or possess any alcoholic beverage any public park or public school or at any City owned building open to the public unless a valid beer or liquor license has been issued for the premises.

B. Any person violating any of the provisions of this section shall be deemed guilty of an infraction and upon conviction thereof shall be fined in an amount not exceeding \$299.00. Each occurrence when such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as a separate offense.

**16.03.230. Illegal to Consume Alcoholic Beverages Or Possess Open Containers of Alcohol in Motor Vehicles.**

A. No person shall drink any alcoholic beverage while driving a motor vehicle or while a passenger in a motor vehicle, whether the vehicle is moving, stopped, or parked on any street or highway.

B. No person shall keep, carry, possess, transport, or allow another to keep, carry, possess, or transport in the passenger compartment of a motor vehicle, when the vehicle is on any public street or highway, any container whatsoever which contains any alcoholic beverage if the container has been opened, the seal thereof broken or the contents of the container partially consumed.

C. For purposes of this section:

1. "Passenger compartment" means the area of the vehicle normally occupied by the driver and his passengers and includes areas accessible to them while traveling such as a utility or glove compartment, but does not include a separate front or rear trunk compartment or other area of the vehicle not accessible to the driver or passengers while inside the vehicle; and



2. "Alcoholic beverage" shall have the meaning provided in U.C.A. 32-1-3, 1953 as amended, or any succeeding provision.

D. The provisions of subsections (a) and (2) shall not apply to passengers in the living quarters of a motor home or camper, but the driver of the vehicle will be prohibited from consuming alcoholic beverages as provided in subsection (1).

E. The provisions of subsection (2) shall not apply to passengers traveling in any duly licensed taxicab or bus.

F. Any person convicted of a violation of this section is guilty of a Class B misdemeanor. (U.C.A. 41-6-44.20).

#### **16.03.240. Sale Or Use of Fireworks Declared Against Safety and Welfare.**

The sale, exposure for sale, use, distribution or possession of fireworks or pyrotechnics in Brigham City, except as hereinafter provided, is hereby declared to be against the public health, safety and welfare of the people of Brigham City.

#### **16.03.250. Sale or Use of Certain Fireworks Unlawful.**

From and after the passage of this act it shall be unlawful for any person, firm, partnership or corporation to offer for sale, expose for sale, sell, possess, or use, or explode any toy cannon in which explosives are used; the type of balloon which requires a fire underneath to propel the same; firecrackers; torpedoes; skyrockets, Roman candles, bombs, or other fireworks of like construction, or any fireworks intended to explode, or be fired or propelled into the air.

Nonexplosive, nonpropelled fireworks such as cones, snakes, sparklers, etc., may be sold, possessed and used provided they are not used in a manner constituting a hazard to persons or property; provided further, this act shall not prohibit the use of toy pistols, toy canes, toy guns, or sparklers.

#### **16.03.260. Public Display, When Permitted - Permit.**

The City may, upon application in writing, upon the posting of a suitable bond, grant a permit for the public display of fireworks by the City, religious, fraternal or civic organizations, fair associations, amusement parks, or other organizations or groups of individuals, approved by the City Council and the City Council is authorized by resolution, to grant such permission when such display is to be handled by a competent operator, to be approved by the chiefs of police and fire departments. Such display shall be of such a character, and so located, discharged, or fired, as in the opinion of the chiefs of the police and fire departments, after proper inspection, shall not be hazardous to property or endanger any person or persons. After such permit shall have been granted sales, possession, use, and distribution of fireworks for such display shall be lawful for that purpose only.

#### **16.03.270. Application for Permit.**

All such applications for permits shall set forth the date, the hour, and place of making such display, and the place of storing fireworks prior to the display, and further, the name or names of the person, persons, firm partnership, corporation, association or group of individuals making the display; and the name of the person or persons, in charge of the igniting, firing, setting off, exploding or causing to be exploded such fireworks. The location of the storage place shall be subject to the approval of the chief of the fire department. No permit granted hereunder shall be transferable.

#### **16.03.280. Bond.**

The City Council may require a bond deemed adequate by the Council from the licensee in a sum not less than Five Hundred Dollars conditioned for the payment of all damages, which may be caused either to a person or persons or to property, by reason of the display so as aforesaid licensed, and arising from any acts of the licensee, his agents or employees. Such bond shall run to the City and shall be for the use and benefit of any person injured or the owner of any property damaged, who is authorized to maintain an action thereon, or his heirs, executors, administrator, successors or assigns.

#### **16.03.290. Exceptions From Act.**

Nothing in this act shall be construed to interfere with the manufacture, storage, or transportation of fireworks by any manufacturer, wholesaler, dealer or jobber selling at wholesale without the state or to municipalities, counties, religious, fraternal or civic organizations, fair associations, amusement parks, or other organizations or groups of individuals within the state authorized to possess and use fireworks under this act;

or the sale or use of any fireworks or blank cartridges for a show or theater, or for signal purposes in athletic sports, or by railroads for signal purposes, or for use by the militia; or construed to prohibit the manufacture of aviation and railroad light flares.

**16.03.300. Violation A Misdemeanor.**

Any person violating the provisions of this act shall be guilty of a Class B Misdemeanor.

**16.03.310. Limitation on Fishing at Brigham City Equalization Reservoir.**

A. No persons 16 years of age or older may fish or engage in angling or attempting to capture fish at the Brigham City Equalization Reservoir located at approximately 1100 East 250 South in Brigham City.

B. The Department of Public Works shall post and maintain signs upon the property stating as follows: "No Fishing Allowed by Persons Age 16 Or Older. 16.03.340, Brigham City Code."

C. Any persons age 16 or older found fishing or attempting to capture fish at said location shall be prosecuted for the infraction of criminal trespass for entering or remaining on property as to which notice against entering is given by posting of signs reasonably likely to come to the attention of intruders.

D. Persons age 16 and older shall not be considered trespassers in violation of this chapter provided they are accompanying a child under the age of 16 at the reservoir and are engaged only in assisting the child or children in fishing.

**16.04. Prohibiting Certain Activities on The Bridge at Pioneer Park.**

**16.04.010. Motor Vehicles Prohibited on Bridge.**

It shall be illegal for any person to drive, to push any motor vehicle as such are described by the statutes of the State of Utah across or upon the bridge located at the Pioneer Park Pond.

**16.04.020. Illegal to Ride Bicycle Across Bridge.**

It shall be illegal for any person to ride a bicycle across said bridge. Bicyclists must dismount and push their bicycles while upon or crossing the bridge.

**16.04.030. Walking on Side Rails and Leaping From Bridge**

It shall be illegal for any person to stand or walk upon the side rails of the bridge or to be anywhere upon the bridge other than the floor portion normally used by pedestrian traffic. It shall further be illegal to jump or leap from said bridge.

**16.04.040. Violation A Misdemeanor.**

The violation of any of the above provisions shall constitute a Class B Misdemeanor.